

**2952. Misbranding of a liqueur and cordial sirup. U. S. v. William P. Bernagozzi, Robert Bernagozzi, and Ferdinando Bernagozzi. Plea of guilty. Fine, \$100. (F. & D. Nos. 4712, 4713. I. S. Nos. 20727-d, 20728-d.)**

On May 7, 1913, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information in two counts against William P. Bernagozzi, Robert Bernagozzi, and Ferdinando Bernagozzi, doing business under the firm name and style of W. P. Bernagozzi & Bros., New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, from the State of New York into the State of New Jersey—

(1) On March 18, 1912, of a quantity of so-called "Liqueur Superfine Fiori Calabria," which was misbranded. The product was labeled, "Qualita Superiore Liqueur Superfine, Fiori di Calabria Bernag Cordial Brand, WPB." Analysis of a sample of the product by the Bureau of Chemistry of this department showed it to be an artificially colored cordial. Misbranding of the product was alleged in the first count of the information for the reason that the label thereof regarding it was false and misleading and was calculated to mislead and deceive the purchaser thereof, in that said label would indicate that the article was a foreign product, to wit, a product of Calabria, Italy, when it was not so, but was a product of the United States, and said article was further misbranded in that it purported to be a foreign product, to wit, a product of Italy, when it was not so, but a product of the United States.

(2) On February 17, 1912, of a quantity of so-called "Streghe Berna Cordial," which was misbranded. This product was labeled: "Streghe Berna Cordial, Guaranteed under the National Pure Food Law, Serial No. 4438. (In upper corners respectively a United States shield with white cross.) Streghe Bernag Bernag Cordial Brand WPB." Analysis of a sample of the product by the Bureau of Chemistry of this department showed it to be an artificially colored cordial. Misbranding of the product was alleged in the second count of the information for the reason that the label thereon bore statements, designs, and devices regarding it which were false and misleading, and said label was calculated to deceive and mislead the purchaser thereof in that it would indicate that the article was a foreign product, to wit, a product of Italy, whereas, in truth and in fact, it was a product of the United States, and it was further misbranded in that it purported to be a foreign product, to wit, a product of Italy, when it was not so, but a product of the United States.

On May 19, 1913, defendants entered a plea of guilty to the information, and the court imposed a fine of \$100.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *March 30, 1914.*

**2953. Adulteration of oil of red thyme. U. S. v. Brunswick Drug Co. Plea of guilty. Fine, \$10 and costs. (F. & D. No. 4718. I. S. No. 3562-d.)**

On April 4, 1913, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Brunswick Drug Co., a corporation, Los Angeles, Cal., alleging shipment by said company, in violation of the Food and Drugs Act, on or about August 16, 1911, from the State of California into the then Territory, now State, of Arizona, of a quantity of oil of red thyme which was adulterated.

The product was labeled: "1 pound. Oil of Origanum (Oil of Thyme Red) Guaranty legend Serial No. 276. Brunswick Drug Co., Wholesale Druggists, Manufacturing Chemists Los Angeles, San Diego." (Sublabel on back of bottle) "Specific gravity .896."